

REMARKS

Claims 1-15, 17 and 18 are pending in this application. By this Amendment, claims 1 and 11-13 are amended for clarity. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 4, rejects claims 1-15, 17 and 18 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed.

Independent claim 1 is amended to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection of claims 1-15, 17 and 18 under 35 U.S.C. §112, first paragraph, are respectfully requested.

The Office Action, in paragraph 7, rejects claims 1-7, 9-14 and 17 under 35 U.S.C. §103(a) as being unpatentable over JP-A-61-8544 to Hatayama et al. (hereinafter "Hatayama") in view of U.S. Patent No. 4,196,825 to Kincaid. The Office Action, in paragraph 8, rejects claims 1-7, 9-14 and 17 under 35 U.S.C. §103(a) as being unpatentable over Hatayama in view of U.S. Patent No. 4,943,780 to Redding. The Office Action, in paragraph 9, rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over Hatayama in view of Kincaid or Redding, and further in view of U.S. Patent Application Publication No. 2001/0030192 to Redmond. These rejections are respectfully traversed.

At the outset, Applicant understands that claims 8 and 18 are not substantively rejected over any combination of the applied prior art references. As such, Applicant presumes that these claims are considered to recite allowable subject matter once the rejection of the pending claims under 35 U.S.C. §112, first paragraph, as discussed above, is overcome.

With regarding to the remaining claims, these claims are allowable for at least the reasons set forth below.

Claim 1 recites, among other features, a linear projecting portion that extends straight along an entire axial length of the laminated tube in an axial direction, the projecting portion extending radially beyond an outermost radial dimension of an outermost surface of the substrate layer and forming a radially outermost portion of a surface of a laminated outer layer formed on the outermost surface of the substrate layer, the projecting portion forming a radially outermost portion of the laminated tube; and a portion of the laminated tube not covered by the projecting portion, that extends straight along an entire axial length of the tube in an axial direction. Hatayama at least fails to teach this combination of features.

Hatayama teaches at, *e.g.*, Figs. 1-4, relief pattern band 22. No part of relief pattern band 22 extends beyond outermost surfaces of surface layer resins 11b and 11c, and base layer resin 11a. Further, base layer resin 11a is covered entirely by surface layer resins 11b and 11c. As can be plainly seen in Figs. 2(B) and 3 of Hatayama the layers including any alleged projection portion, *i.e.*, the pattern band 22, in any embodiment shown in Hatayama does not include a portion in which the projecting portion forms a radially outermost portion of a surface of a laminated outer layer formed on the outermost surface of the substrate layer, the projecting portion forming a radially outermost portion of the laminated tube. It is clear from a detailed comparison of, for example, layers 11b and 11c in Fig. 3, or layers 11b and 11a in Fig. 2(B), that the structure of Hatayama cannot reasonably be considered to teach the above-recited combination of features of at least independent claim 1.

Further, as is explained throughout Applicant's disclosure, the positively recited structure of the combination of features found in claim 1 is intended to address a specific shortfall in the prior art. The structure of Hatayama specifically differs from that recited in the pending claims, and Hatayama does not recognize the benefit achieved by the recited structure.

Throughout prosecution of this application, the Office Action have based assertions regarding the applicability of Hatayama on flawed assumptions. As is indicated above, the specifically-recited claim structure is intended to improve over a tube having uniform thickness and a smooth surface with no projections on a substrate layer in order to achieve certain specific properties with the recited projecting portion. The claimed portions project from what one of ordinary skill in the art would clearly recognize is an outermost surface of the tube.

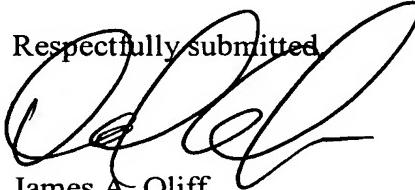
Hatayama simply has no portion corresponding to the recited projecting portions. Rather, as has been carefully explained in responses to previous Office Actions, the alleged projections of Hatayama correspond to a grooved pattern formed in an outer layer of the Hatayama tube. The cylindrical surface of the tube in Hatayama is the outer layer, as can be seen, for example, in both Figs. 2(B) and 3. None of the alleged projections, which in Hatayama form a grooved pattern in a layer, project from any outer layer of the tube to form a radially outermost portion of the tube. The strained approach that the Office Action continues to take in attempting to render obvious the subject matter of the pending claims over Hatayama, even in combination with the other applied references, is simply unreasonable.

For at least the foregoing reasons, Hatayama, even in combination with the other applied references, cannot reasonably be considered to have rendered obvious the combination of all of the features positively recited in claim 1. Further, Hatayama, alone or in combination with the other applied references, cannot reasonably be considered to have rendered obvious, the combinations of all of the features recited in claims 2-7, 9-15 and 17 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-7, 9-15 and 17 under 35 U.S.C. §103(a) are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-15, 17 and 18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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ATTACHMENT:
Petition for Extension of Time

Date: April 19, 2010

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